



# TOWN OF WESTBOROUGH ZONING BOARD OF APPEALS

Case No. \_\_\_\_\_

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF WESTBOROUGH

The undersigned respectfully petitions your Honorable Board for the following action:

_____	Special Permit	_____	Site Plan Review
_____	Variance	_____ ✓ _____	Appeal of Decision
_____	Other		

RECEIVED  
TOWN CLERK'S OFFICE  
2023 JUL -5 AM 10:02  
TOWN OF WESTBOROUGH

## Background Information (all sections must be completed fully).

Applicant(s) Name: Nancy Negoshian

Email: mcoila2@verizon.net Phone: 508-846-2307

Property Address: 10 Samson Drive

Owner of Record: Nancy A Negoshian

Mailing Address of Owner: 10 Samson Drive

Telephone Number of Owner: 508-846-2307

Deed Reference: Book 65960 Page 244, Assessors Map # 28 Lot # 97

Applicant Status (owner, prospective purchaser, agent): owner

Zoning District of Parcel: 28-98-0 R

What structures are currently on the premises: 2-story Cape with  
garage & sun room.

## Project Narrative

What is the proposed project that requires relief? Please describe in detail with additional pages if necessary, including providing plans and documentation as needed.

8 Samson Drive - Zoning Bylaws Section 4440 -  
unregistered vehicles - See Attached

## **Project Narrative**

**What is the proposed project that requires relief? Please describe in detail with additional pages if necessary, including providing plans and documentation as needed.**

Zoning Bylaws Section 4440 -Unregistered vehicles at 8 Samson Drive. As noted in the attached emails from February 19, 2022 thru June 5, 2023, we have been dealing with junk vehicles at 8 Samson Drive—I moved to 10 Samson Drive in August of 2021; then it was only 2 unregistered vehicles (a Mini-Van with expired NJ plates from **2006** and a BMW that had been in an accident with a missing wheel, etc. and trash all around. (In conversation with the neighbors, they stated those two cars had been there for as long as they could remember.) Sometime in October of 2021, Mr. Duclos's BMW that he drove around arrived on a flatbed truck all smashed up dropped off in front of his garage. Those plates expired in August/September of 2022. The email dated September 7, 2022, from Bill Hezlitt states "...he has removed the minivan and is in the process of repairing the BMW in front of the garage with parts from the other vehicle." On June 8<sup>th</sup> Bill Hezlitt stopped by my house and we all noticed 2 small blue tarps on the 1 unregistered BMW that is parked on the edge of their property line. Bill stated "that the other damaged BMW that's in front of their driveway now has a valid registration. So, he now has only one unregistered vehicle." I didn't receive the official notification via certified mail until June 16<sup>th</sup>, that Bill Hezlitt has determined the vehicles in question do comply with the zoning bylaws the letter was dated June 8, 2023.

We also have had conversations with the Board of Health regarding the 2 vehicles that were in accidents and unkept yards. The Board of Health had said they had driven by and saw how the lawn looked like it hadn't been mowed in years and shrubs are all overgrown hanging into my property.

Re: 8 Samson Dr., Westboro, Ma.

From: mcoil2@verizon.net (mcoil2@verizon.net)

To: bhezlitt@town.westborough.ma.us

Cc: flonardo@town.westborough.ma.us

Date: Wednesday, September 7, 2022 at 06:21 PM EDT

Bill, Bill, Bill,

I'll bet you a steak dinner at Ted's Montana Grill, that a year from now, those 2 BMW's will still be there? We closed on this house a year ago August, the son cut the grass last Sept., after his mother told my Nancy he was Good for Nothing?? They have had a year to fix those cars, what makes you think they will fix them in another year?? When I need vehicle repair, I take them to Steve's Auto & Truck Repair on Phillips St., since 1992!! This is a clean & neat little neighborhood, except for #8?? I don't want to see those CLOWNS out there in the snow, all winter, playing mechanic?? I believe Zoning By-Law # 4440 or 4044, states ;ONE unregistered car??

Bill the Contractor is not responsible for the lawn, reach out to the Homeowner?? Last week on YouTube, I saw where a local Landscaper saw an overgrown yard in his neighborhood, He stopped, there was a \_\_\_\_\_? and Abatement notice on the front door, stating that the house & yard was a nuisance, clean it up, or the Town will, and back charge you for doing it?? It reminded me of a house in Worcester, where an elderly man hadn't payed his taxes in 5 years or cut his grass?? The City did it after numerous complaints from the neighbors, added the fee to his back taxes?? He died, son in Ca. settled with Worcester??

PS, A month ago I saw Cabinets to Go drop off a load of cabinets? What's up now?? C.O.??  
Unhappy #10, Jim & Nancy

On Wednesday, September 7, 2022 at 04:20:00 PM EDT, Bill Hezlitt <bhezlitt@town.westborough.ma.us> wrote:

Good afternoon, I have spoken to one of the residents at 8 Samson. He has removed the mini van, and is in the process of repairing the bmw in front of the garage with parts from the other vehicle. I had spoken with the contractor and he was taking care of the lawn, I have reached out to ask if someone could mow again.

Best,

 Bill Hezlitt

Assistant Building Commissioner

45 West Main St

Westborough, MA 01581

2 junk cars at 8 Samson Dr.,

From: mcoil2@verizon.net

To: bhezlitt@town.westborough.ma.us

Date: Saturday, February 19, 2022 at 11:24 AM EST

Hey Bill, Hope all is well? We met when you came out to see if I could enlarge my garage, last Fall? The neighbor across the street, just had a bunch of replacement windows done ! Just as you arrived, the contractor was leaving, you ran over to check on permit, remember?

We closed on 10 Samson Dr., on 8/31? Every day, I have to look at 2 junk cars, one has NJ , 2006 plates?? What's up with that?

We left Westboro in 1999, for Worcester, after 22 years, we are back? I'm familiar with Worcester's unregistered vehicle by law; all unregistered vehicles , must be covered with a tight fitting car cover, NO BLUE TARPS!!! I found Westboro's Junk Car By Law, I believe it's #4440, I couldn't find it again, Westboro's Website is very hard for me to Navigate???

Bill, when you get a chance, check this out for us, Thank You, Jim & Nancy, 10 Samson Dr,

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8 Samson St.

From: mcoil2@verizon.net (mcoil2@verizon.net)

To: bhezlitt@town.westborough.ma.us

Date: Monday, June 5, 2023 at 01:42 PM EDT

Bill, you really need to stop by #8 & #11 , the grass hasn't been cut in 2 years? And the car cover is a joke??

**From:** [mcoil2@verizon.net](mailto:mcoil2@verizon.net) <[mcoil2@verizon.net](mailto:mcoil2@verizon.net)>  
**Sent:** Thursday, September 1, 2022 4:32 PM  
**To:** Fred Lonardo <[flonardo@town.westborough.ma.us](mailto:flonardo@town.westborough.ma.us)>  
**Subject:** 8 Samson Dr., Westboro, Ma.

Hey Fred,

Trust you had a nice vacation?

I just wanted to bring a couple of things to your attention:

1. 8 Samson, as of today has 2 Unregistered cars onsite, the smashed up BMW parked in front of the garage, the plates expired yesterday? And we still have the other broken down BMW sitting there, nobody trying to fix either?
2. You had mentioned that you had talked with the Contractor, well nobody has mowed the grass, the weeds are now twice as high?

I pay Rutland Nurseries a lot of money to keep our yard weed free, now all of Mrs. Duclos's weeds have gone to seed, & perhaps all blew into our yard?

THANKS A LOT!

Sincerely, Jim & Nancy

PS. The new neighbor at 11 Samson asked what was up with #8, I said your guess is as good as mine!!

Compose

← Back



Move

Delete

Spam

... More



Today on AOL

Inbox 158

Unread

Starred

Drafts 1

Sent

Spam

Trash

^ Less

Views Hide

Contacts

Photos

Documents

Subscriptions

Travel

Folders Hide

+ New Folder

Saved Mail

AMSOIL

Archive

Sales

SavedIMs

## Re: Appeal Process

Yahoo/Sent ☆

**mcoil2@verizon.net** <mcoil2@verizon.net>

To: Bill Hezlitt



Wed, Jun 21 at 2:42 PM ☆

Hi Bill,

I'd like to met with you before July 8th, to finalize the appeal forms - as the appeal section doesn't relate to this situation. Plus these are the picture I took of the junk vehicle with "the cover", it's been like this for a few days now. There has been no attempt to fix the "the cover".

On Tuesday, June 20, 2023 at 04:42:08 PM EDT, Bill Hezlitt <bhezlitt@town.westborough.ma.us> wrote:

Hi Jim, Attached is the instructions for the appeal. Please review and let me know if you have any questions.

Best,

**Bill Hezlitt**

Assistant Building Commissioner

45 West Main St

Westborough, MA 01581

[bhezlitt@town.westborough.ma.us](mailto:bhezlitt@town.westborough.ma.us)

Office (508)871-5222

[Download all attachments as a zip file](#)

Case No. \_\_\_\_\_

Is the parcel the subject of any prior Special Permits, Variances, Deed Restrictions or actions, including any prior applications involving the same or similar request for relief as this application? Please attach any pages necessary to accurately describe any items herein.

Not that I know of.

**Type of Relief Needed (please complete the appropriate section)**

**SPECIAL PERMITS**

Please refer to Section 1330 of the Town Bylaws for more information.

If the Petition is for a Special Permit for a Pre-Existing, Non-Conforming Use or Structure under Section 2400 and series, please describe or list all non-conformities, and which non-conformity is being increased.

For all Special Permits, including Special Permits for Pre-existing, Non-Conforming Uses, please describe how the requested relief can be granted without substantial harm to the neighborhood, and whether the request will create nuisance, hazard, or congestion.

### APPEALS

from 2022-2023  
various phone/face to face  
conversations & emails

An application, dated \_\_\_\_\_, was submitted to the Building Commissioner and/or Planning Board and was denied by the same for the reasons stated in his/her letter attached hereto.

If this appeal is based upon a contention that the Planning Board and/or Building Commissioner erred in the interpretation of the Zoning Bylaw as related to this case, specify the alleged error and the reasons for your contention on another page and attach.

☒ Page Attached (please indicate)

### VARIANCE

Applicants should refer to Section 1320 of the Town Bylaws and be able to meet all of the requirements contained within Section 1320 in order to qualify for a Variance.

From what section(s) of the Town Bylaws does the Applicant require relief? Please list each section that requires relief.

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Describe in detail each element below as pertains specifically to the Petition for relief.

How do circumstances relating to soil conditions, shape or topography of such land or structures especially affect such land or structures on this Parcel, but not generally the other parcels in the Zoning district in which it is located?

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**TOWN OF WESTBOROUGH  
MASSACHUSETTS  
01581**

**BUILDING DEPARTMENT**

FORBES MUNICIPAL BUILDING  
45 WEST MAIN STREET  
WESTBOROUGH, MA 01581  
TEL. (508) 366-3015  
FAX. (508) 366-3018

FREDERICK J. LONARDO  
COMMUNITY DEVELOPMENT DIRECTOR  
BUILDING COMMISSIONER  
ZONING ENFORCEMENT OFFICER

Notice of Zoning Determination  
June 8, 2023

10 Samson Dr.  
Westborough, MA

To Jim and Nancy,

As per the Town of Westborough's Zoning Bylaws Section 4440. Unregistered Vehicles. "No person shall permit more than one unregistered motor vehicle or trailer or major parts thereof, except for farm vehicles, to remain ungaraged on his premises at any time unless under a Class 1 or Class 2 license for sale of motor vehicles (Section 57-69, Chapter 140, General Laws), or unless given written authorization by the Selectmen following an investigation and report thereon by the Board of Health. Authorization shall be granted only if no hazard or safety is involved, and no unsightly condition visible from adjacent property or public way is created."

After discussions with Mr. Duclose, he has stated the vehicle in the driveway has a valid registration. Therefore, I have determined the vehicles in question do comply with the zoning bylaws.

This determination may be appealed to the Zoning Board of Appeals, within 30 days of the date of this letter, in accordance with Westborough's Zoning Bylaws Subsection 1310 and Massachusetts General Law, Chapter 40A, Subsection 8 and 15.

Should you have any questions or comments, please do not hesitate to reach out to me.

Best Regards,

Bill Hezlitt  
Assistant Building Commissioner  
Town of Westborough  
[bhezlitt@town.westborough.ma.us](mailto:bhezlitt@town.westborough.ma.us)  
(508)871-5222

### Appeals Attachment

If this appeal is based upon a contention that the Planning Board and/or Building Commissioner erred in the interpretation of the Zoning Bylaw as related to this case, specify the alleged error and the reasons for your contention on another page and attach.

I, Nancy Negoshian, contend that the Building Commissioner erred in the interpretation of the Zoning Bylaws Section 4440 – **Unregistered Vehicle** as related to this case.

The last line of the Zoning Bylaws Section 4440 -Unregistered Vehicles states "Authorization shall be granted only if **NO HAZARD TO HEALTH OR SAFETY IS INVOLVED, AND NO UNSIGHTLY CONDITION VISIBLE FROM ADJACENT PROPERTY OR PUBLIC WAYS IS CREATED.**"

Based on the last line of the Zoning bylaws Section 4440 – unregistered vehicles, Mr. Duclos does not comply with the zoning bylaws. Mr. Duclos's unregistered vehicle is right on the edge of the road by an electric pole, it clearly creates a hazard and is an unsightly condition visible to adjacent properties and public ways.

Samson Drive is a short jughandle that has two connections to Flanders Rd. Samson Drive has no sidewalks; therefore, everyone's driveways and walkways are right on the road. We have many bike riders and walkers beside the families that live on Samson Drive. The children of Samson Drive often ride their bikes in the road. There's no room for errors when driving on this road. If there's a backup on Flanders Rd, many drivers will zoom through Samson to get closer to the East Main Street intersection.

**See Attachment 1- Map of Samson Drive:** depicting the homes on Samson Drive.

In this case the attached pictures of the unregistered vehicle at 8 Samson Drive capture the unsightly condition from the adjacent properties and public way:

- Tarps held on by bungee straps that daily blow off the unregistered BMW.
- A tire placed on the hood and a wheel placed on the trunk to unsuccessfully help hold down the tarp.
- And a jack holding up the rear of the BMW.
- The last two attachments show an upkept yard (front & back).

**4440. UNREGISTERED VEHICLES.** No person shall permit more than one unregistered motor vehicle or trailer or major parts thereof, except for farm vehicles, to remain ungaraged on his premises at any time unless under a Class 1 or Class 2 license for sale of motor vehicles (Section 57-69, Chapter 140, General Laws), or unless given written authorization by the Selectmen following an investigation and report thereon by the Board of Health. **Authorization shall be granted only if no hazard to health or safety is involved, and no unsightly condition visible from adjacent property or public ways is created.**

Attachment 1- Map of Samson Drive:















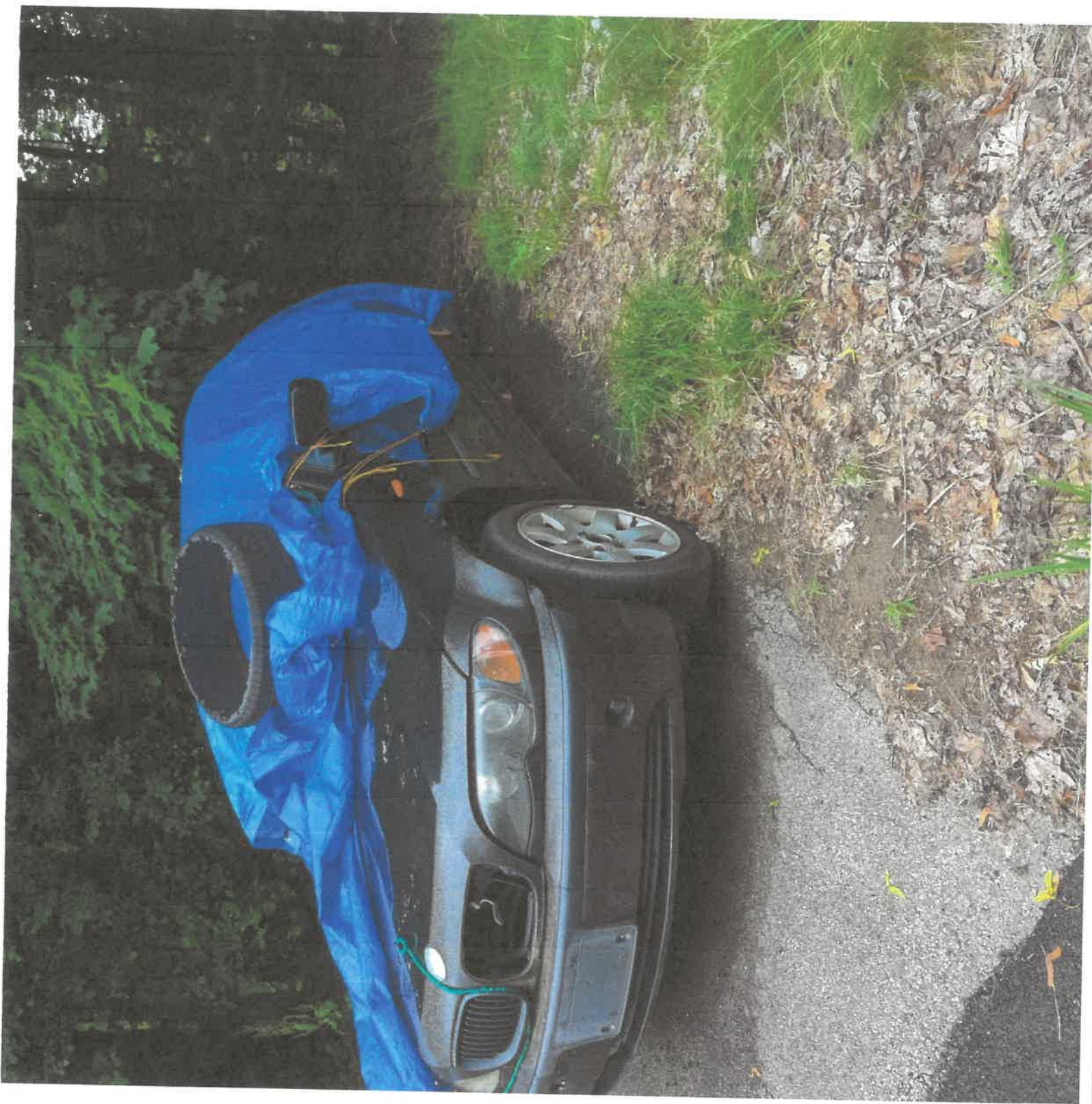








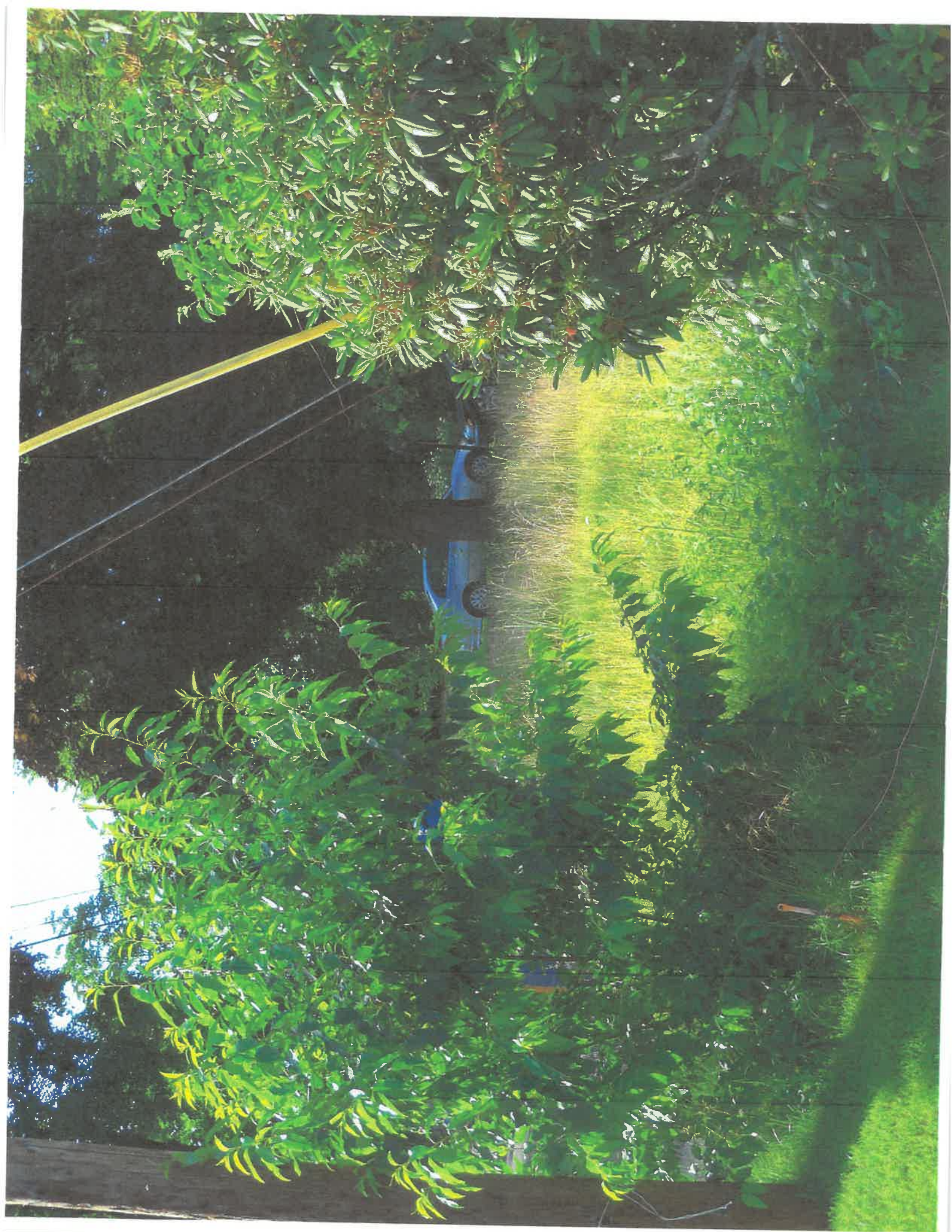




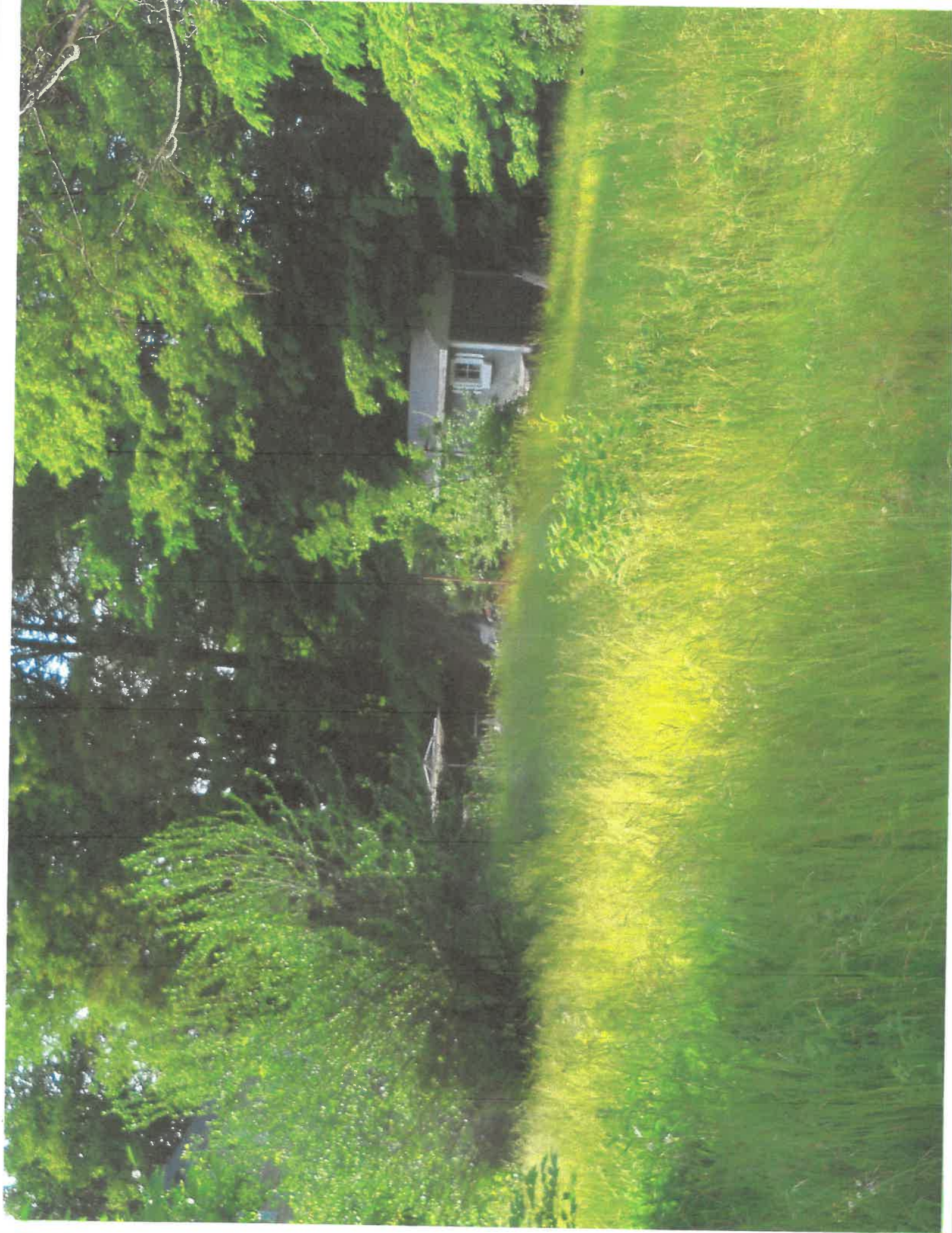












Case No. \_\_\_\_\_

A literal enforcement of the provisions of the Westborough Zoning Bylaw would involve substantial hardship, financial or otherwise, to the undersigned for the following reasons:

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Desirable relief may be granted without substantial detriment to the public good for the following reasons:

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The variance desired may be granted without nullifying or substantially derogating from the intent or purpose of the Westborough Zoning Bylaw for the following reasons:

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**NOTE:** The law does not permit the Board to grant a variance unless ALL of the requirements set forth in General Laws, Chapter 40A, Section 10, are satisfied. Each one of the four parts of Section 10, above, must be answered in detail.

### **OTHER**

If your Petition is not for a Special Permit, Appeal or Variance, please outline on a separate page the relief requested, and the Bylaw Section(s) that require relief.

Case No. \_\_\_\_\_

The name and mailing address of each attorney, agent, or other representative of the undersigned:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed this 5<sup>th</sup> day of July 2023.

Nancy A. Neposhian  
Property Owner

THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

July 5 2023

Then personally appeared the above-named

and made oath and said that the foregoing statements and representations contained in the appeal, application, or petition herein and attachments hereto, are true and accurate to the best of their/his/her knowledge, information and belief, before me,

Susan A. Bush

Notary Public

My Commission expires September 14 2029







# TOWN OF WESTBOROUGH

## ZONING BOARD OF APPEALS

### Owner Authorization

(Must be signed by owner of Record)

As the owner of \_\_\_\_\_, I hereby give permission to the

**Street Address**

following: \_\_\_\_\_ to apply for a ZBA Application

**Individual/Representative Name**

in lieu of the owner.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number:

\_\_\_\_\_

Abutters:

\*Nancy Negoshian-Trustee  
10 Samson Drive  
Westborough, MA 01581

Gallegos-Perez, Jose-Luis  
Gutierrez-Espinola, Teresa  
11 Samson Drive  
Westborough, MA 01581

Maguire, Michael  
Maguire, Jen L  
9 Samson Drive  
Westborough, MA 01581

Onorato-Trustee, Carol Mary  
Onorato, Richard  
5 Samson Drive  
Westborough, MA 01581

Vanchinathan, Lakshmanan  
Muthuveerappan, Karpagasundari  
4 Samson Drive  
Westborough, MA 01581

Lane, Elizabeth S  
3 Samson Drive  
Westborough, MA 01581

Duclos, Eleanor T LE  
\*\*Duclos, Steve  
8 Samson Drive  
Westborough, MA 01581

Lamprey, John  
Lamprey, Stephanie  
7 Samson Drive  
Westborough, MA 01581

Barnado, Mark  
12 Flanders Road  
Westborough, MA 01581

Barook, Farick  
Farick Barook, Raviath Basaria  
14 Flanders Road  
Westborough, MA 01581

\*Appealing

\*\*Unregistered Vehicle